

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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September 9, 2005

T.R.A. DOCKET ROOM

IN RE: Petition of ITC^DeltaCom)
Communications, Inc. for Mediation and)
Dispute Resolution)

Docket No.: 05-00174

REQUEST BY ITC^DELTACOM FOR A PRE-HEARING CONFERENCE

ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom) requests that the Hearing Officer convene a pre-hearing conference in this matter following next week's hearing in the "Change-of-Law" docket (No. 04-00381). Consistent with the direction of the Authority,¹ the purpose of the conference would be to determine which issues raised by ITC^DeltaCom in this Petition were not sufficiently covered in Docket 04-00381 and, therefore, need to be addressed in this proceeding. The Hearing Officer and parties should also determine a schedule for agency-supervised negotiations² and litigation which would allow the Authority to finish this case expeditiously. As ITC^DeltaCom has previously explained, the principal purpose of this Petition is to insure that these issues are resolved and new interconnection terms are in place by March 11, 2006.

ITC^DeltaCom suggests that the best time to convene this conference would be on Thursday, September 15, 2005, immediately following the conclusion of Docket 04-00381. All parties will already be present and familiar with the issues addressed in the change-of-law hearing. In the

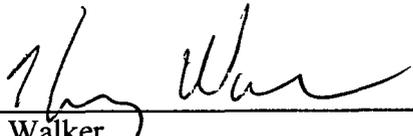
¹ At the TRA agenda conference on August 22, 2005, the Authority denied BellSouth's Motion to Dismiss and announced that, following the change-of-law hearing, the Authority would address issues raised by ITC^DeltaCom which were not addressed in the change-of-law docket. The Authority also appointed the General Counsel, or his designee, to act as Hearing Officer in this docket

² See 47 USC §252(b)(5) which states that the "refusal of any party . . . to continue to negotiate in good faith in the presence, or with the assistance, of the State commission shall be considered a failure to negotiate in good faith" See also paragraph 233 of the Triennial Review Remand Order ("TRRO")

alternative, ITC^DeltaCom suggests that the conference be held on Friday morning, September 16, 2005, the day after the change-of-law hearing, or on the following Friday, September 22, 2005.³

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
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³ Because of change-of-law hearings scheduled in other states, both BellSouth and ITC^DeltaCom will be involved in hearings on Tuesday through Thursday for the next several weeks. The Louisiana hearing, scheduled the week of September 26, 2005, may be postponed, however, because of hurricane-related logistical problems.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being forwarded via U.S. mail, to:

Guy Hicks
BellSouth Telecommunications, Inc.
333 Commerce Street
Nashville, TN 37201-3300

on this the 9th day of September, 2005.



Henry M. Walker